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August 14, 2020

By ECF

Hon. Katherine Polk Failla, U.S.D.J.
United States District Court for the Southern District of New York
Courtroom 618, Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 100017

Re: *Uniformed Fire Officers Association, et al. v. de Blasio, et al.*
No. 20 Civ. 5441 (KPF) (RWL)

Dear Judge Failla:

I write on behalf of the Progressive Caucus of the New York City Council to seek the Court's leave to allow it to submit the attached *amicus curiae* brief in this matter.

The Progressive Caucus was formed in 2009 with the goal of advancing policies to build a more just and equal New York City. The Caucus is comprised of twenty-two Council members and the Public Advocate. Its members have campaigned on issues of police accountability and transparency, sponsored legislation to make the City's data open to the public and sought to use their oversight and budgetary powers to transform law enforcement in New York City. They have also advocated for the state legislature to repeal New York's police secrecy law, Civil Rights Law § 50-a, precisely so that system of law enforcement that is transparent and accountable to the public it serves in New York City would be possible. As councilmembers, the Progressive Caucus's members have a particularly strong interest in receiving information regarding the police disciplinary process and police misconduct settlements because they are considering numerous potential policy responses to police misconduct, including legislation or Charter amendments, oversight hearings, and further budgetary responses in the next budget cycle.

The Progressive Caucus seeks to submit an *amicus* brief in this matter to explain the importance of open public records as the council examines these policy responses and to advocate for the principles of transparent and open government. As the attached brief explains, one of the most important issues for the Progressive Caucus's members to understand is whether and why the disciplinary process is failing to hold officers who commit misconduct accountable.

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Transparency is critical to understanding that, and transparency about instances where investigations began or complaints were made and yet the Department did not impose discipline are particularly important for the Council and the public to understand.

As an organization of City Councilmembers who are charged with oversight and legislative reform over police, the proposed *amicus* provides a unique perspective that may be of assistance to the Court in deciding the issues before it. The Progressive Caucus, as a group of members of the legislative branch of City government, also may have different perspectives to the City's executive branch; indeed, in some instances, the Progressive Caucus's members may seek records from the City's executive branch that the City may wish to withhold.

Accordingly, the Progressive Caucus respectfully requests the Court's leave to allow it to file the attached proposed *amicus curiae* brief.

Respectfully submitted,

/s/ Aaron Marks, P.C.

Aaron Marks, P.C.

cc: All counsel of record, via ECF